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REPORT ON THE ARMENIAN REFERENDUM ON INDEPENDENCE

SEPTEMBER 21, 1991

YEREVAN, ARTASHAT, AND ADJACENT VILLAGES

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U.S. Commission on Security and Cooperation in Europe

October 1, 1991

J892-23

SUMMARY

On September 21, 1991, Armenia held the first referendum in its 4,000- year history. The reason was as momentous as the occasion was unique: a "yes" or "no" vote on independence from the USSR. Along with scores of observers from Soviet republics and foreign countries, Helsinki Commission staff monitored the balloting, in which, according to official Armenian sources, 95 percent of eligible voters participated and 99 percent of them voted "yes" (94 percent of total eligible voters).

Armenia is the only Soviet republic that is seeking its independence in conformity with the Soviet law on secession, which currently involves a series of referenda over five years and protracted negotiations with central authorities. The overwhelming result on September 21 provided what Armenia's leadership sees as the legal basis for a declaration of independence, which the parliament issued unanimously on September 23. Armenia has now taken its initial step toward independence, even if the process of obtaining full independence may still take several years. At this writing, the Armenian government is waiting to enter into serious, good faith negotiations with the Central Government in Moscow regarding financial claims by both sides.

BACKGROUND

Armenia's May 1990 parliamentary elections brought to power a non-Communist government headed by Levon Ter-Petrossyan, chairman of the Armenian Pan-National Movement. In August 1990, the newly elected parliament declared a transition to independence. After Mikhail Gorbachev, in December 1990, called for a referendum (which ultimately took place on March 17, 1991) on maintaining the USSR as a federative state, Armenia on March 1 rejected participation and opted instead to hold its own referendum on full independence from the USSR on September 21, 1991.

The Baltic States, Georgia and Moldovia also refused to participate in Gorbachev's referendum, but only Armenia based its boycott of that exercise on its stated intention to exit the USSR in accordance with Soviet law. The April 1990 law on secession requires a two thirds "yes" vote in the first of several referenda, and posed no serious problem for Armenia, which is over 90 percent Armenian (unlike other republics, many of which have large national minorities). Some political groups in Armenia rejected the idea of acting in compliance with Soviet law, but the Ter-Petrossyan government saw that course as its only feasible and practical political option. Ultimately, virtual unanimity was achieved

among Armenia's political parties about the need for independence and corresponding support for a "yes" vote in the referendum. Only Communists had previously expressed grave doubts about pursuing full independence, and Armenia's Communist Party dissolved itself after the failure of the putsch.

On September 20, the head of the Central Commission on the referendum held a press conference at which he explained that while the Soviet law on secession requires a two thirds "yes" vote in the first referendum, Armenia's law on referendums calls for a positive vote by 50 percent plus one of participants for a proposed measure to pass. Asked which law Armenia was following, he said Armenia was complying with both laws.

OBSERVERS

Armenia's parliament invited a large corps of international election observers to monitor the voting and vote-count. When the invitation was issued, Armenia's leadership had reason to fear interference from the center and to desire the presence of foreign observers as a hedge against violence, as well as to vouch for the results before the international community. The Baltic States' campaign to restore their independence has evoked a series of assaults in 1991 by Soviet Internal Affairs forces, and Armenia has witnessed the direct involvement of Soviet army troops in military actions against Armenian villages in and around Nagorno-Karabakh since the end of April. But by the time Armenia's referendum took place, the political situation in the USSR had changed drastically; the failure of the August 1991 putsch brought down the Soviet Government and led most republics to declare independence. With conservative central institutions disbanded or paralyzed, Armenia's vote on independence went forth in a festive, almost carefree atmosphere.

Armenia's Central Commission on the Referendum, headed by Vice-Chairman of the parliament, Babken Ararktsyan, asked observers to select any city or region of the republic to observe the voting, and provided them with transportation. Helsinki Commission staff, accompanied by representatives of the U.S. Embassy in Moscow and three Washington-based non-governmental organizations, traveled from the capital city of Yerevan to the city of Artashat, a medium-sized town about 30 kilometers from Yerevan, in the general direction of Ararat, stopping along the way in a number of villages.

At each stop, the observers were met by joyous villagers who welcomed them with traditional bread and salt, as well as songs and dances (sometimes performed by children in native costumes). In two places, the villagers slaughtered a sheep for a feast that was already in high gear, for which the observers were eagerly urged to stay. After the first stop, the group picked up an Armenian "escort," in the person of the head of the regional council, and the number of escorts grew as the day wore on.

VOTING RULES

The question on the referendum ballot was: "Do you agree that the Republic of Armenia should be an independent and democratic republic outside the USSR?" Polls were open from 7 a.m. to 11 p.m. Residents of the Armenian republic over 18 years of age were eligible to vote, after showing their internal passport or some other form of identification. If voters did not have an appropriate form of identification, members of the polling commission vouched for them--Commission staff was informed that in small villages, all the inhabitants are known to each other. After their names were checked off a list of eligible voters, they were given a ballot by the volunteers in the local election commission, whose membership included representatives of Armenia's various political parties (in one village visited by Helsinki Commission staff, the local electoral commission had a member of the Communist Party). Voters then took the ballot behind a curtain, crossed out "yes" or "no" and dropped the ballot in a large sealed box upon exiting. Crossing out the non-preferred choice, rather than circling the desired option, has been the standard form of voting in the USSR.

Local electoral commissions received from regional electoral commissions a number of ballots corresponding to the number of eligible voters in the district, plus an additional 3 percent. Voting actually began on September 15, for those who knew they would be unable to vote in their home districts on the 21st. Alternatively, people could present on September 21 a certificate issued by their local election officials to a polling station in a district other than their own and vote there. Polling stations were established outside of the republic in the offices of Armenia's Permanent Representation in Moscow, and in various locations for the numerous Armenians in the Crimea, as well as for those (relatively few) Armenians still serving in the Soviet Armed Forces. No other procedures, such as mail-ins, were available for absentee balloting.

At 11 p.m., members of each polling station throughout Armenia counted the ballots and took the results and all the ballots to the regional electoral commission. Ballots that had been cast before September 21 were tabulated separately. Regional electoral commissions brought their totals and ballots to the Central Commission on the Referendum in Yerevan.

OBSERVERS' EXPERIENCES

The pro-independence mood in Armenia was so strong that turnout was not only high, it was quick. By the time the observers reached the first village they visited, most eligible voters had already cast their ballots. (Local election officials also explained that privatization of land had taken place in these locales and many farmers wanted to vote early, so they could get back to the harvest.) The observers at each stop inspected the voting facilities and spoke with the chairman of the polling station.

All the people encountered were without exception joyful on the occasion of the referendum and were, in fact, using the day for a city- or village-wide celebration. Observers noted no hint of intimidation or pressure or any sign of police or other security forces. There were no obstacles to voting and privacy was secured by the curtained voting booths. The ballot box was in full view and all the seals examined by Commission staff were unbroken.

At all polling places, Commission staff inquired how people had voted and how they felt about Armenia's independence. The responses were unanimously and enthusiastically pro-independence. When questioned about possible security and economic difficulties that might confront an independent Armenia, voters replied that Armenia was no longer afraid of its neighbors and could better address its problems as an independent state. Some people voiced concern about the republic's economic prospects, but nevertheless stoutly backed independence.

One particularly interesting village Commission staff visited was Upper Dvin, which has a large Assyrian population. The atmosphere in the village was no less festive than anywhere else; Assyrians assured the group of observers that they heartily supported

Armenian independence and that their relations with Armenians were excellent. They expressed the hope that Assyrians in Iraq would one day also gain their independence, but they stressed that they had no intention of leaving Armenia, which had now become their homeland.

REMARKS ABOUT THE VOTING PROCEDURES AND FUTURE ELECTIONS

One Armenian opposition leader pointed out that the wording of the referendum was less than ideal, since it was virtually impossible to vote "no" and anyone who did would appear to be voting against democracy as well as Armenian independence. An American observer remarked that the lists of registered voters were computer-generated in some cities and hand-written elsewhere, and that there was no obvious way to prevent the addition of names. As for counting procedures, an observer noted that it was not clear whether results were released as soon as they became known--an established method of preventing fraud in American elections--or were held until the end.

Such procedural issues hardly mattered on September 21, when virtually all of Armenia's residents voted happily for independence and any technical shortcomings were obviously the result of limited experience with elections, as opposed to possible intent to rig the outcome (for which there was no need). But future elections, such as the October 16 Presidential election, will not present choices that are as easy, pleasant, or clear-cut, with the results known well in advance and the actual voting process seen by participants as a fiesta.

IMPLICATIONS OF THE SEPTEMBER 21 REFERENDUM

Armenia's parliament declared independence on September 23; ahead lie negotiations with the "USSR" over Soviet recognition of Armenia's independence, as well

as economic and possibly political relations. The resoundingly pro-independence vote on September 21 was therefore the first step in a longer process, assuming a "center" survives. If it does not, Armenia will undoubtedly continue what it has already begun: establishing formal relations with other republics, as it has with Lithuania and Georgia (a treaty with Russia is expected to be signed soon), finalizing treaties with other republics by the end of 1991, and seeking recognition by foreign capitals.

Regardless of the timetable, Armenia has clearly decided that its interests cannot be satisfied in the framework of the "USSR." Armenian government spokesmen, as well as opposition figures, repeatedly stated that they see independence as the prerequisite to resolution of the republic's pressing problems, including the dispute with Azerbaijan over Nagorno-Karabakh.

Soviet Recognition: Armenia has emphasized its willingness to proceed towards independence in accordance with Soviet law. A post-coup Soviet government trying to demonstrate to the world its adherence to legal methods, and to all republics its reliability as a negotiating partner, will be hard pressed not to acknowledge Armenia's independence, especially since the Ter-Petrossyan government has a reputation for reasonableness and has taken part in negotiations over political and economic relations. That does not mean, however, that difficult negotiations over security arrangements and economic links can be averted.

Nagorno-Karabakh Autonomous Oblast (NKAO): Ter-Petrossyan has already reached an agreement with Azerbaijan's President Ayaz Mutalibov over NKAO, through the mediation of Presidents Boris Yeltsin and Nursultan Nazarbaev of Russia and Kazakhstan, respectively. The two republics have committed themselves to negotiate a ceasefire by January 1, 1992, to remove all armed groups form the area except for Soviet Army and Internal Affairs forces, and to cease all "anti-constitutional actions" with respect to NKAO. Armenians may interpret such wording as a pledge by Azerbaijan to restore local self-government in NKAO, whereas Azerbaijanis may understand the agreement to signal Armenian recognition of Azerbaijani control over NKAO. But they have stated their willingness to use outside arbitrators to help resolve future disputes. The two sides also agreed to begin negotiations mediated by provisional observers from Russia and Kazakhstan on returning deportees (both Armenian and Azerbaijani) to their homes, and to release hostages.

Whether the agreement, in which Mikhail Gorbachev and central Soviet authorities played no part, produces a ceasefire that holds and then possibly a settlement of this bloody conflict remains to be seen. Both Yeltsin and Nazarbaev have a personal stake in the success of their mediating efforts, if only to demonstrate to Gorbachev and the international community that republics can resolve contentious issues without central involvement. Armenia's attitude toward the agreement is somewhat more ambivalent, since Armenians would naturally prefer NKAO to be part of Armenia, and to be recognized as such. There are political groups in Armenia--and Azerbaijan--that would not be satisfied with the sort of compromise signed by Ter-Petrossyan and Mutalibov, which means that the issue may well continue to play a role in the domestic politics of both republics. On the other hand, if the arrangements prove stable, both Armenia and Azerbaijan have enough other problems that require their immediate attention that NKAO might now go to the back burner, even if only temporarily.

Armenia's Future Political-Economic Status: Ter-Petrossyan told a Helsinki Commission congressional delegation two weeks before the September 21 referendum that Armenia would not be a full member of any political association that emerged out of the USSR. He added, however, that no decision on associate or observer status has yet been taken. In any event, Armenia's leadership, regardless of future political arrangements with other republics or possibly a restructured center, and whoever wins Armenia's October 16 Presidential election, will certainly seek to maintain and develop economic ties with republics and whatever Soviet institutions survive. Armenian government spokesmen have repeatedly stated that the republic's independence does not presage a rupture of existing relationships; it will, however, open a much wider range of possibilities of establishing economic ties with the outside world. At a press conference on the eve of the referendum, for example, Vice President Araktsyan said that Iran might become a supplier of oil to Armenia in the future. Both President Ter-Petrossyan and opposition leaders, however, have stated consistently that economic ties cannot be developed without genuine political independence.

Equally certain is Armenia's determination to seek international recognition of its independence and full-fledged membership in international organizations. A pamphlet distributed to referendum observers contains messages from Ter-Petrossyan and other government leaders which ask observers, after having monitored the balloting and convinced themselves of the genuineness of Armenia's desire for independence, to support

Armenia's request for international recognition. On September 24, Armenia's parliament accepted the provisions of all CSCE documents and expressed its desire to join the Conference on Security and Cooperation in Europe. The next day, Armenia applied to the United Nations for membership.

Implications for the United States: Like Armenia, most republics of the "former Soviet Union" have declared independence and made plain their desire to enter the world community as independent actors. Recognizing the influence of the United States in international organizations and public opinion, the republics place particular hopes on gaining U.S. recognition. A group of U.S. Congressmen who observed the September 21 referendum in Armenia pronounced the voting free and fair, and called on the U.S. Government to recognize Armenia's independence, establish diplomatic relations with the republic, and to support its request to join the United Nations. Unlike some other republics, Armenia has the advantage of an influential diaspora community in the West, which will back its aspirations, but even if some state entity--confederation or commonwealth--emerges out of the USSR, other republics will also seek recognition in Western capitals.

Consequently, Washington must begin formulating the policy grounds upon which diplomatic relations will be accorded. The participating States of the Conference on Security and Cooperation in Europe will also have to consider requests for membership from countries that have up to now been Soviet republics. As a preview of coming attractions, Georgia's request for observer status in the CSCE was raised at a plenary session of the Conference on the Human Dimension in Moscow on September 27. No consensus was reached on the matter, which, in effect, meant that Georgia's application was denied. But it was noteworthy that Georgia's request was submitted by the delegation of the USSR--which is now, and may be in the future, in a position to win points with the republics in this matter, while leaving the ball in Western courts. The reality of the end of the old USSR and the entry of republics into the international arena, confronts the United States with tricky decisions ahead.